UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,551	07/11/2003	Robert Baxter Chambers II	133519	4297

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EXAMINER
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ART UNIT	PAPER NUMBER
2456	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 March 2009_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-11,13-16 and 18-30_ is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-11,13-16 and 18-30_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a)☐ All b)☐ Some * c)☐ None of:
     1. ☐ Certified copies of the priority documents have been received.
     2. ☐ Certified copies of the priority documents have been received in Application No. _____.
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office Action is responsive to communications filed on March 20, 2009.

Claims 12 and 17 have been cancelled, thus claims 1-11, 13-16 and 18-30 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-11, 13-16 and 18-30 have been

considered but are moot in view of the new grounds of rejection.

3.   Applicant's argued, in substance, that Klindt describes a PLC CPU module that is

coupled to a web server through a backplane (page 9, lines 24-25), and Baker describes a PLC

CPU module that is coupled only to a web server, not a web server and database module (page

10, lines 24-25).

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

5.   Claims 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 13-16 recite the limitations "in accordance with Claim 12" in line 1. There is

insufficient antecedent basis for this limitation in the claims since Claim 12 has been cancelled.

However, in the interest of expediting prosecution of the case, Examiner will treat it as a typo

and read the limitation as "in accordance with Claim 11".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7.   Claims 1-11, 13-16 and 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker et al (US 6,732,191), in view of Klindt et al (US 6,853,867).

Regarding claim 1, 11, 20, 25-26 and 29, as shown in Figure 1, Baker discloses a web-enabled automation control module (ACM) system, comprising:

a computer configured to send a request for a file (9; Figure 1, col. 1: line 66 - col. 2: line 8);

a network module (network interface 16) located outside of the computer (personal computer 9) configured to receive the request for the file from the computer via a network (Figure 1, col. 4: lines 6-50);

a database (application program 22) located within a web server and database module (website 4) configured to store the file (Figure 1);

a web server (server 20) located within the web server and database module (website 4) configured to receive the file from the network module (Figure 1, col. 4: lines 19-27); and

an ACM CPU (Process Control System 6) coupled directly to the web server and database module (Figure 1, col. 5: lines 20-23).

However, Baker does not explicitly disclose the ACM CPU configured to send ACM data to the web server and database module to embed ACM data in the file to facilitate transferring ACM data to the network module in response to the request.

Klindt teaches the ACM CPU configured to send ACM data to the web server and

database module to embed ACM data in the file to facilitate transferring ACM data to the

network module in response to the request (col. 6: lines 9-14).

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply Baker's direct web connection in Klindt's system in order to improve network

communication traffic and provide faster updates of network information.

Claims 11, 20, 25-26 and 29 are rejected under the same basis.

Regarding claims 2 and 21, Baker-Klindt also discloses the web server and database

module comprises a web server configured to:

obtain the file from the database to respond to the request (the server retrieves or

dynamically creates the appropriate page from the flash memory 28; Klindt, col. 6: lines 35-37);

and

send the file to the network module (transmit the page to the browser using HTTP;

Klindt, col. 6: lines 37-38).

Regarding claims 3 and 13, Baker-Klindt also discloses computer 16 includes a network

interface for facilitating connection to and data transfer through the computer network 46 which

can be a local area network, the Internet, or an Internet-linked local network, thus inherently,

computer 16 is configured to receive the request from the network and transmit file to the

network (Klindt, col. 7: lines 10-19).

Regarding claims 4-6, 8 and 17, Baker-Klindt also discloses the web server and database module is electrically connected to the network module via an ACM backplane and the network (Klindt, Figure 1).

Regarding claims 7 and 9, Baker-Klindt also discloses the web server and database module is located within the ACM CPU that is electrically coupled to an ACM backplane via an interface (Klindt, Figure 1).

Regarding claims 10 and 30, Baker-Klindt also discloses the network is an Ethernet network (Klindt, col. 5: lines 49-55).

Regarding claims 14 and 27, Baker-Klindt also discloses sending the request from the at least one network module to the web server of the web server and database module via an ACM backplane (the server 12 communicates with the host 16 over an Ethernet network 46. Accordingly, the server 12 provides both a MODBUS on Ethernet Server 26 and a MODBUS on Ethernet Client 27; Klindt, col. 5: lines 51-55, see Figure 1).

Regarding claims 15 and 22, Baker-Klindt also discloses sending the request from the at least one network module to the web server of the web server and database module via the network (the server 12 communicates with the host 16 over an Ethernet network 46. Accordingly, the server 12 provides both a MODBUS on Ethernet Server 26 and a MODBUS on Ethernet Client 27; Klindt, Figure 1; col. 5: lines 51-55).

Regarding claims 16 and 23, Baker-Klindt also discloses sending the request from the at least one network module to the web server and database module located within the ACM CPU (Klindt, Figure 1; col. 5: lines 56-65).

Regarding claims 18 and 24, Baker-Klindt also discloses storing the file in the database of the web server and database module located within the ACM CPU (Klindt, Figure 1; col. 5: lines 56-65).

Regarding claim 19, Baker-Klindt also sending the request for the file from an Ethernet network to the network module (Klindt, col. 5: lines 49-55).

Regarding claim 28, Baker-Klindt also disclose retrieving at least one of a web page file, a document file, an e-mail file, an image file, an audio file, and a video file (e.g., simple pictorial and textual rendering or real time playing of audio and/or video segments or alarms, mechanical indications, printing, storage of data for subsequent display, etc.; Klindt, col. 3: lines 19-47).

Conclusion

8.   Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073.

The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Van Kim T. Nguyen
Examiner
Art Unit 2456

/Jeffrey Pwu/ Supervisory Patent Examiner, Art Unit 2446